

REMARKS

Claims 1-23 and 25-47 are now pending in the application. Claims 1, 7, 8, 16, 28, 33 and 34 are amended herein. Support for the amendments to these claims can be found at least in Figures 1, 2 and 4 of the present application. Claim 24 is cancelled herein as the subject matter has been added to independent claim 16. Claims 42-47 are added herein. Support for these claims can be found at least in Figures 1, 2, 4 and 6 of the present application. No new matter is added. The Examiner is respectfully thanked for the telephonic interview of August 17, 2005. During the interview, there were no exhibits given nor any demonstrations conducted. The teachings of the Schenk et al. reference relative to the location of the support member were discussed. Applicant proposed amending the claims, as shown below, to define the position of the structural member in some of the independent claims. The Examiner advised that claims 19 and 36 stand objected to as their disposition was not clear in the Office Action. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

CLAIM OBJECTIONS

Claim 8 is objected to because of an informality. A period has been added to the end of claim 8. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed. Notwithstanding, claim 1 has been amended herein. It is believed that with the amendment to claim 1, the rejection of claims 1-6 is now moot and, accordingly, withdrawal of the instant rejection is requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 7-10, 12-18, 20-23, 25-35 and 37-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Schenk et al. (U.S. Pat. No. 5,823,606). This rejection is respectfully traversed.

Referring to the Schenk et al. reference, the Schenk reference appears to show a frame member 12, 12' in Figures 1-10 that has a decklid 8, 8' coupled thereto. The frame member 12, 12' is U-shaped and extends in a cross-vehicle orientation in the lower rear region of storage compartment 11, 15 adjacent the rear bumper. This cross-vehicle extension is hinged to the vehicle so that the rearmost portion of frame 12, 12' can pivot and allow retraction and extension of a convertible roof. The portions of frame members 12, 12' that are in the upper front regions of storage compartments 11, 15 do not extend across the vehicle. Rather, these portions of frame 12, 12' merely extend in a fore-and-aft direction on either side of the vehicle. Such a configuration is not advantageous to provide structural support and enhance the rigidity and stiffness of the

vehicle. Specifically, the positioning of the cross-vehicle portion of frame 12, 12' in a rearward and lower position with the storage compartment 11, 15 reduces the amount of structural support and enhancement to the rigidity and stiffness of the vehicle that can be provided. That is, as the cross-vehicle portion of the frame member is moved rearwardly and downwardly, the ability of the frame member to enhance the structural support, rigidity and stiffness of the vehicle diminishes. See at least paragraph [0004] of the present application.

In contrast, the structural member utilized in the present invention is positioned in a location that provides structural support and enhances the rigidity and stiffness of the vehicle. Specifically, claim 1 calls for "said structural member extends across the vehicle in a cross-vehicle direction adjacent to at least one of a strut tower and a rear wheel housing when coupled." Claim 7 calls for "said structural member selectively coupled to said vehicle between adjacent body panel structures of said vehicle body and extending in a cross-vehicle orientation above at least a portion of said retractable roof when in said stowed position." Claim 28 calls for "said structural member extending in a cross-vehicle orientation in an upper half of the stowage area." Claim 33 calls for "moving a structural member that extends in a cross-vehicle orientation across a front half of the stowage area." It is respectfully submitted that these claims each call for a position of the structural member that enhances the rigidity and stiffness of the vehicle, when coupled, and is not disclosed, taught nor suggested in the Schenk et al. reference. Thus, for at least these reasons, it is respectfully submitted that claims 1, 7, 28 and 33 are patentable over the Schenk et al. reference. Claims 1-6, 8-15, 29-32 and 34-41 all depend from one of claims 1, 7, 28 and 33 and, therefore, for at least the same

reasons stated above with reference to these claims are also patentable. Thus, withdrawal of the instant rejection and allowance of these claims are requested.

Claim 16 is amended herein to include the subject matter of objected to claim 24. As such, it is respectfully submitted that claim 16 is not anticipated by the Schenk et al. reference. Claims 17-18, 20-23 and 25-27 all depend from claim 16 and, therefore, for at least the same reason as stated above with reference to claim 16 are also patentable over the Schenk et al. reference. Accordingly, withdrawal of the instant rejection and allowance of these claims are requested.

NEW CLAIMS

New claims 42-47 are added herein. It is respectfully submitted that these claims define patentable subject over the prior art of record. Thus, allowance of these claims is requested.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 11 and 24 would be allowable if rewritten in independent form. Claim 16 is amended herein to include the subject matter of claim 24. Therefore, claim 16 should now be in condition for allowance. Claims 17-23 and 25-27 all depend from claim 16. Thus, allowance of claims 16-23 and 25-27 is requested.

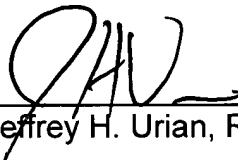
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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